Message

From: Swig, Sarah (Padilla) [Sarah_Swig@padilla.senate.gov]
Sent: 4/11/2022 4:41:46 PM
To: Brahmbhatt, Roshni (she/her) [brahmbhatt.Roshni@epa.gov]
CC: Gill, Sonam [Gill.Sonam@epa.gov]; Chan, Janice [Chan.Janice@epa.gov]
Subject: RE: Discussion with EPA R9 and Kim Konte

Hi all,

Removing non-EPA folks to follow up and see if you received any info from AQMD on this or anything that we should know in the Senator's office. Do you see a role for EPA here or does EPA see this as a state/AQMD issue?

Thanks for your insights.

Best,
Sarah

Sarah Swig
Policy Advisor
Office of Senator Alex Padilla
112 Hart Senate Office Building
Washington, DC 20510
202.224.3553

From: Brahmbhatt, Roshni <brahmbhatt.Roshni@epa.gov>
Sent: Tuesday, March 15, 2022 9:18 PM
To: Kim Konte <kim@nontoxicneighborhoods.org>
Cc: Gill, Sonam <Gill.Sonam@epa.gov>; Chan, Janice <Chan.Janice@epa.gov>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>; Swig, Sarah (Padilla) <Sarah_Swig@padilla.senate.gov>; Baker, Dean <dbaker@hs.uci.edu>; Lesley Tan <stop.asphalt.pollutants@gmail.com>; Kevin Lien Ex. 6 Personal Privacy (PP) Graham, Courtney@ARB <courtney.graham@arb.ca.gov>
Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Kim,

Thank you for forwarding the information. We'll look into the complaints and will reach out to SCAQMD as well.

Sincerely,
Roshni

Roshni Brahmbhatt | Pronouns: she/her
Manager, Air Enforcement Section
Region 9 Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
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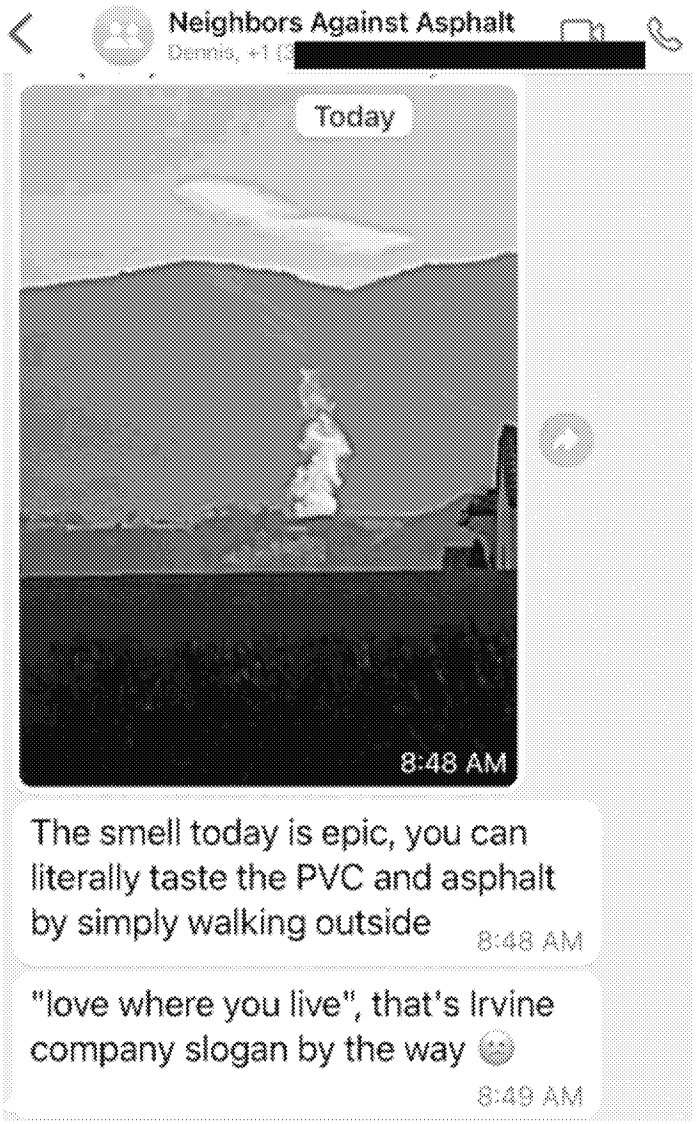
On Mar 15, 2022, at 12:13 PM, Kim Konte <kim@nontoxicneighborhoods.org> wrote:

Hi Sonam,

The air was unbearable again today so naturally, we wanted to loop back and see if there are any tools in your toolbox that can provide protection from the largest noncompliant polluter of carcinogens?



Thanks in advance for your help!

In Gratitude,

Kim Konte
NON TOXIC NEIGHBORHOODS | OUR WORK
IG: @nontoxicneighborhoods | FB: nontoxicneighborhoods I M: 843-816-3085

On Wed, Mar 9, 2022 at 6:00 PM Kim Konte <kim@nontoxicneighborhoods.org> wrote:

Thank you, Laura and Sarah, for getting us in contact with the team at the EPA. Thank you to the EPA team for taking the time to meet with us today. The urgency is that again today our community and schools were once again flooded with harmful HAPs from this major non-compliant polluter. We don't understand how they are not held accountable for failing to be compliant with the Clean Air Act and how they are allowed to operate without consequence.

Per our discussion, we have provided the background on All American Asphalt's(AAA) continued non-compliance with the Clean Air Act per rule 3001, and AAA's why the mobile permit SCAQMD awarded AAA was improperly evaluated for a New Fixed Permit and thus the NOE and permit is Invalid.

Residents should not have had to take on a 3rd party appeal against a permit that SCAQMD should have never awarded AAA on August 26, 2021. Please also note that SCAQMD falsified information on the permit that AAA used to expand their operations without the proper permits to do so and expanded their operations illegally. Yet SCAQMD covered this up by claiming AAA had the proper permits to utilize the mobile crumb rubber blending system - as seen in this short video
- https://vimeo.com/646280296

Please see what we presented to SCAQMD concerning our 3rd Party Appeal against the permit SCAQMD awarded AAA:

The mobile permit was improperly evaluated for a New Fixed Permit and thus the NOE is Invalid. The first permit for mobile asphalt production was issued to Ramsey Oil, located in Corona, Permit to Operate Analysis ("POA"), August 26, 2021, and the source test report has not been made public.

Ramsey Oil is not All American Asphalt. However South Coast AQMD, All American Asphalt is treated as if it was Ramsey Oil.
California, as a various locations permit (#F57256) for asphalt production in 2002. This permit allowed the operator to locate anywhere in the South Coast AQMD jurisdiction and operate according to certain conditions including the following: (1) the operator could not operate beyond 12 months at any one location, and (2) the District was to be informed in writing within five days of 5

all new operational locations. South Coast AQMD Permit # F57256. This kind of permitted mobile unit is typically used for road construction or in housing development but is not designed to be a fixed unit at a permanent asphalt facility.

Following numerous complaints of acrid chemical smells for over a year, South Coast AQMD inspectors inspected the All American-Irvine facility, which, as a result, was cited with NOV #P68583. This NOV included violations for operating a portable crumb rubber/asphalt blending system and a portable process heater without a valid stationary permit, operating an asphalt batch plant without venting screen to an air pollution control device, failure to conduct source tests on two thermal fluid heaters, and failure to conduct weekly visible emissions checks on baghouses.

Since 2015, AAA has experienced dramatic increases in its Volatile Organic Compound ("VOC ") emissions. Prior All American Asphalt disclosures on South Coast AQMD's FIND from 2006 through 2016 identified VOC emissions of 3-4 tons per year ("TPY.")

South Coast AQMD's F.I.N.D.identifies the Corona facility with ID # 122876 and lists permits for both AAA and Ramsey Oil, implying they are one and the same; however, based on filings with the Secretary of State, Ramsey Oil is not A.A.A. The District failed to include in this NOV several other violations, including (1) failure to appropriately notify the South Coast AQMD on the movement of the mobile unit (as per its permit condition; F57256 condition 5); and failure to submit a timely Title V application (as per Rule 3001). AAAs reported 2016 emissions erroneously represented the last low VOC emissions year, and ironically it is this year that is used by AAA for its AB 2588 emissions and risk evaluation to South Coast AQMD. See Air Toxics Emissions Inventory Report Reporting Year 2016, March 31, 2021, Exh 6. South Coast AQMD has confirmed that before the attention brought to this issue by local residents in 2019, AAA significantly underreported the metals and benzene emissions in 2016.
See https://www.aqmd.gov/home/news-events/community-investigations/AAA-ab2588.

2016, the amount increased to 7 TPY, and in 2018 and 2019, the amount exceeded 10 TPY (the Title V applicability threshold). Though the number dropped in 2020 to nearly 8 TPY, that value exceeds by double the facility's purported pre-2016 levels of actual VOC emissions. The conversion of the AAA site in Irvine from using another company's mobile permit to operating as a fixed and permanent location marks a significant change by increasing VOC and other emissions, including ammonia, at a single location and by changing a potentially transient activity spread over an entire air shed to one concentrated in Irvine. As a result, this significant increase in VOC emissions and the additional ammonia emissions have not been evaluated appropriately. Further, the New Source Review evaluation in the POA (pages 33-34) assumes the activities are limited to 8-hour operating days, though the permits do not provide that limitation on AAA operations. There is no information on whether a New Source Review calculation on the modified facility's potential to emit was performed.

The Permit to Operate Analysis for the Carbon Adsorber Failed to Identify or Address Significant Flaws in the Remediation Solution Designed and Used by AAA and Evaluated by South Coast AQMD, Rendering the Source Testing Inadequate and Misleading

The South Coast AQMD completed a Permit to Operate Analysis dated August 26, 2021 ("POA ") for the new equipment, including emission control equipment, like the Carbon Adsorber. The Carbon Adsorber is installed to control emissions of hydrocarbons (HC) and volatile organic compounds (VOCs). The permit for the Carbon Adsorber is relevant to concerns about

odors and health effects impacts on nearby residents from VOCs emissions, especially children whose lungs are developing and more susceptible to the effects of air pollution, with adverse effects lasting into adulthood.

The POA states that installation of the Carbon Adsorber was recommended in a report by a consultant retained by AAA, Dr. Rosenfeld, dated July 31, 2020, to address residents' issues and to help control emissions that could cause odors. Because of relevance to the odors and health impacts from VOCs, it is important to assess the adequacy of the POA and source testing for the Carbon Adsorber.

The POA indicates that VOCs are generated by the Crumb Rubber Asphalt Oil Blending process with venting from the Mixing Tank and Secondary Mixing and Storage. The POA estimates the VOC emissions based on asphalt production volume using a "TANKS" model and does a source test assessment of the VOC control efficiency by the Carbon Absorber. Key information about the source tests for VOC (or more generally hydrocarbons, HC) control is listed on page 21 of the POA. The findings of the source tests are used to calculate VOC control efficiency and then to estimate VOC emissions during plant operations.

The section of the POA on the VOC control source tests indicates that the source tests were conducted based on three "runs" on three successive days, March 17-19, 2021. 17 The average production rate during the source tests was 8.704 tons/hour; however, the POA notes that the production rate for the facility is 35 tons/hr (POA on page 23). To adjust for this difference, the analysis calculated the production runs ratio (4.02) and multiplied the source tests VOC outlet concentrations by this ratio. The source test found 97.94% control efficiency, so the analysis made another adjustment to assume a more typical/accepted control efficiency of 90% (another ratio of 4.854), resulting in a combined ratio of 19.51 (POA at page 24). Therefore, the outlet emissions measured during the source tests were multiplied by 19.51 to estimate the VOC emissions during regular production runs by the facility.
The Carbon Adsorbers are inadequate to measure actual production volume at AAA. This inadequacy allows VOC-laden air exceeding the Carbon Adsorbers' capacity to escape into the air, without control.

The source tests for all emissions types (VOCs, toxins, and metals) were conducted with a less than 25% production volume. This reduced volume, though unrepresentative of normal production, was still used to estimate VOC outlet emissions at full production levels. However, the Carbon Adsorber equipment used by AAA (ENVENT Corporation, EC-2000) is rated for a flow of 9
0-1,000 SCFM (standard cubic feet per minute flow) maximum (Carbon Scrubber EC- 2000).

The POA document (page 17) indicates that during normal production runs, the exhaust from the Mixing Tank and Secondary Mixing and Storage would be 3,000 SCFM. Thus, the flow rate could be as high as three times greater than the maximum rated flow for this unit and could exceed the carbon scrubber's capacity at as little as 1/3 of the production maximum.
AAA's source test, operating at a capacity below the Carbon Adsorber maximum capacity, masks this a dangerous flaw.

There is no POA evaluation on this issue – that is, using Carbon Adsorber equipment to test AAA's emissions when AAA's normal production greatly exceeds the equipment's ratings. Several concerns appear obvious:

First, when the carbon system is overwhelmed by a VOC-laden air volume exceeding the equipment's capacity, the air will either bypass the system entirely, given constraints on the entry
point or, if the excess air manages to enter the vessel, the volume, and its VOCs will simply overwhelm the carbon contained therein, allowing uncontrolled VOCs to be emitted into the air.

The facility uses two Carbon Adsorbers in series, but the POA provides no documentation that using the scrubbers in series will fully control the VOC emissions at regular production run volumes, despite substantially exceeding the maximum rated flows for the Carbon (*See* https://www.enventcorporation.com/wp-content/uploads/2016/11/Carbon-Scrubbers EC-2000.pdf) The site notes the flow can be reduced by restricting the piping.

Finally, there is nothing to suggest that the concerns noted above for a single 1,000 SCFM Carbon Adsorber can be cured with the same inlet piping constraints and excess VOC-laden airflow.

Source test measurements at low flow rates cannot be used to extrapolate to full production rate. Another significant flaw in design and source test occurs when the source test applies a low threshold airflow result to a full production rate.

At low flow within the Carbon Adsorbers' rated flow, the POA (page 24, Table 9) shows no detected outlet emissions for benzene, ethylbenzene, m-xylene, carbon disulfide, and other pollutants. However, multiplying zero (0) by any number will still be zero. Thus, the analysis using this approach of testing lower flow rates than full production assumes that emissions during full production runs could be a million times higher than during the source tests, and still the estimated emissions of these pollutants would be listed as zero.

Because of the possibility of break-through hydrocarbon (HC) and VOCs outlet emissions that could occur when the production flow exceeds the Carbon Adsorbers' rated flow maximum(i.e., at full production run levels), the source tests must be conducted at full production levels during multiple production runs in order to be representative of the Carbon Adsorber
control efficiency, especially during the full estimated day "change-out" periods before the adsorption materials are be changed (page 32). Simply put, the Carbon Adsorber used was inadequate to handle full-rate production.

The In-Series Carbon Adsorber System is not BACT (Best Available Control Technology). The POA indicates that the emission controls should use BACT. BACT means that emission controls should be based on the maximum degree of reduction, which is achievable for each pollutant, taking into account energy, environmental, and cost impacts. The POA (page 26 41) concludes that BACT controls are applied for the control of PM (particulate matter) and blue smoke (vaporized oil) emissions for the rubber/asphalt oil blending system.

The POA discussion is limited to particulate matter (PM) and "blue smoke" 12, but it does not address BACT control for all hydrocarbon and VOC emissions or ammonia, which are also at issue here. Moreover, it is not clear that the AAA equipment and approach of using serial Carbon Adsorbers under conditions that exceed the rated flows is BACT for "blue smoke," let alone other
hydrocarbons and VOCs.

The POA also does not appear to have performed a BACT analysis of multiple technologies to reflect and demonstrate that the selection of the ENVENT Corporation EC-2000 technology

was appropriate. Sulfurous and Other Odorous Compounds Were Not Properly Evaluated in the Source Tests and POA.

The POA (page 36) indicates that the approach used to estimate HC and VOC emissions offered "conservative" estimates of the sulfur dioxide (SO2) and hydrogen sulfide (H2S) emissions. Accurate and actual measurements of SO2 and H2S emissions are critical since sulfurous pollutants are known to be associated with chemical odors, as well as serious and life-altering lung function
and mucous membrane damage. The same flaws noted above regarding the source tests approach used by AAA and SC AQMD for VOCs apply to any sulfur compound estimates. In other words, in AAA's solution and the
SCAQMD POA, the 3,000 SCFM airflow rate contains sulfur-laden emissions that are run through the Carbon Adsorber with a capacity limited to a maximum of 1,000 SCFM, and hence cannot handle the full production flow without a substantial escape of untreated sulfurous and other compounds and HAPs.

Considering the ongoing reports of acrid chemical odors and health symptoms by nearby residents, the POA must have a more detailed assessment of potential sources and controls of pollutants that could cause odors -- and pollutants that remain hazardous even without odor.

The POA (page 39) concludes that "No nuisance is expected with the proper operation of the equipment. The use of the proposed carbon adsorption system is expected to control the odor from the process and therefore eliminate the potential for continued odor complaints from the facility." This statement in the POA lacks merit because: (1) the Carbon Adsorbers are improperly sized; (2) no evaluation for odorous compounds beyond SO2 and H2S was made; and (3) since the installation of the equipment in April 2021, and since the permit approval on August 27, 2021, there has been a well documented and dramatic increase of nearby residents who continue to report noxious odors and eye, throat, and respiratory harm. The POA fails to address any of these deficiencies, nor does it address other failures of control.

The POA Does Not Evaluate PM2.5 and is therefore Inadequate, Especially for Children.

Despite the issues previously noted, the POA seems to accept the AAA source test data as representing all operating conditions. SSM activities are not accounted for and this gap in analysis invalidates the AAA source test upon which the POA is based. Without the emission control systems operating as intended, the All American Asphalt facility is emitting air contaminants at a rate that is ten times greater (if 90% is the control and capture efficiency) and without odor control.

This level of exposure will continue to be very impactful on the residents, children, and schools in the community.

The POA Risk Evaluation Does Not Consider Risk Appropriately For the Community but In Particular Risks Unique To Children.

The POA identifies a review of Rule 1401 (pages 23-25) to reach a conclusion that the cancer risk to exposed persons is less than one in one million. Rule 1401 guidance requires this evaluation to consider all age populations from infants to seniors in calculating exposures and considers daily breathing rates of these populations. The AQMD and respected health and scientific institutions have long recognized the particular harm that can occur from exposing infants, children, and teens to toxic substances.

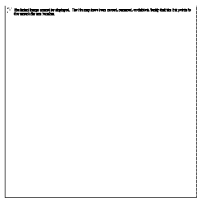
POA or AAA source testing. These activities should be required within a Rule 1401 risk assessment. For example, if AAA equipment malfunctions and emissions are uncontrolled, then the resulting exposure to children in nearby community neighborhoods is exacerbated and -- although called "acute" -- is highly impactful to children. Non-routine events and non-compliance by AAA are not considered in the AQMD risk assessment process to date.

Even so-called "nuisance odors" can impact children by life-long damage to lungs and airways, not even considering the carcinogenic impact. Headaches, nausea, vomiting, and difficulty breathing are not acceptable "short-term" effects of the AAA production. Holding one's breath for "less than an hour" at an elementary school is not an appropriate requirement of the community, especially its children and teachers. A comprehensive risk assessment for these most vulnerable in One in a million means one chance in a million of getting cancer from being constantly exposed to a certain level of a chemical over a period of time. It is used for toxic evaluation under Rule 1401. See http://www.aqmd.gov/docs/default-source/rule-book/Proposed Rules/1401/par1401_pw_071217.pdf

The South Coast AQMD permit approval for the All American Asphalt facility in Irvine was defective. Numerous flaws in the SC AQMD permit evaluation, including serious flaws in the sufficiency of the AAA source testing, are present. These breaches include:
• Failure to source test and evaluate AAA operations at full capacity of production, given the Carbon Adsorber remediation system designed for a much lower capacity,
• Failure to test and measure numerous other sources of fugitive emissions, such as outside storage and conveyance systems
• Failure to evaluate the undersized carbon adsorption system for emissions during start-up and shut-down processes and for protections from malfunction emissions;
• Failure to fully evaluate all constituents of toxic emissions (H.C., VOCs, sulfurous compounds, PM2.5, metals).
• Failure to properly consider the impact of so-called short-term but continuous emissions on sensitive populations like children.

We look forward to hearing back from you as to what protections and Clean Air Act tools the EPA can help get online to begin to protect our children and community.

In Gratitude,



Kim Konte
NON TOXIC NEIGHBORHOODS | OUR WORK
IG: @nontoxicneighborhoods | FB: nontoxicneighborhoods I M: 843-816-3085

On Wed, Mar 9, 2022 at 9:23 AM Gill, Sonam <Gill.Sonam@epa.gov> wrote:

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sip:teams@video.epa.gov

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